REMARKS

The Office Action of August 3, 2007 was received and reviewed. The Examiner is thanked for reviewing this application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-3, 5-11, 13-36, 38-44, 46-67, 69-76 and 78-85 are pending in the instant application with claims 16-33 and 47-62 being withdrawn from consideration. By this amendment, claims 80-85 have been amended. Of the considered claims, claims 1, 7, 34, 39, 63 and 72 are independent.

In the Office Action, claims 80-85 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended claims 80-85 to recite, among other things, the feature of "the sputtering method is a sputtering method using a magnetron discharge" (see page 9, lines 5-7 in the specification). Applicants believe that this amendment can overcome the 112 rejection. Therefore, Applicants respectfully request that the 112 rejection be withdrawn.

Additionally, claims 1, 7, 15, 34, 39, 63, and 72 and 2-3, 5-6, 8-11, 13-14, 35-36, 38, 40-44, 46, 64-67, 69-71, 73-79 (the Examiner has a typographical error indicating 73-76 and 78-79 instead) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,781,162 to Yamazaki et al. (Yamazaki) in combination with U.S. Patent No. 6,631,022 to Kihira et al. (Kihira) and U.S. Patent No. 5,755,938 to Fukui et al. (Fukui) and U.S. Pat. Pub. 2004/0099215 to Danek et al. (Danek). Further, claims 1 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki in combination with Kihira and Fukui and Danek. These rejections are respectfully traversed at least for the reasons provided below.

With respect to independent claims 1, 7, 34, 39, 63 and 72, the claimed invention recites, *inter alia*, the features of a target film formed by a CVD method in a chamber, in which the target film is used as a target for forming a film by a sputtering method in the same chamber. On the other hand, it appears that the cited references do not teach or suggest the above-cited features. Although the Examiner asserts in the Response to Arguments on page 6 of the Office Action that Fukui simply teaches a different way of forming the device,

Applicants contend that Fukui merely teaches a lamination of a film formed by a CVD method and a film formed by sputtering. In other words, Fukui merely teaches or suggests a first film formed by a CVD method and a second film formed on the first film by a sputtering method. Further, Fukui discloses that "[a]fter CVD and prior to sputtering, the transfer mechanism unloads the dummy target and replaces it with a sputtering target for film formation by sputtering" (see abstract). Furthermore, Fukui teaches plasma cleaning in the chamber between a CVD process and a sputtering process (col. 9, line 49 to col. 10, line 6). Therefore, Fukui fails to teach or suggest the features and method of using a film formed by a CVD method as a target for forming a second film by a sputtering method, as similarly recited in each of claims 1, 7, 34, 39, 63 and 72. Thus, it cannot be said that Yamazaki, taken alone or in combination with Kihira, Fukui and/or Danek, makes obvious the present invention, as claimed.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP §2142*. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP §2142*. The combined references do not teach or suggest all the claim limitations of the present application.

Applicants respectfully point to the final prong of the test, which states the prior art must teach all the claim limitations. At the very least, the combined references do not teach all of the limitations of independent claims 1, 7, 34, 39, 63 and 72, as discussed above.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned agent to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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